

Notice of Allowability

Application No.

09/397,008

Examiner

Frantzy Poinvil

Applicant(s)

AUSUBEL, LAWRENCE M.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the Appeal Brief filed 5/7/07.
2. ☒ The allowed claim(s) is/are 44,46,59,61 and 160-173.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.


THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 7/23/07.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


FRANTZY POINVIL
PRIMARY EXAMINER

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DETAILED ACTION

Allowable Subject Matter

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

As per claim 44, line 7, "the" has been changed to - -a- -.

As per claim 59, line 15, "the" has been changed to - -a- -.

Authorization for this examiner's amendment was given in a telephone interview with Stan Green on July 11, 2007.

2. The following is an examiner's statement of reasons for allowance:

The prior art taken alone or in combination failed to teach or suggest means for assigning the determined quantity of objects to the determined bidder in the current round, the assigning creating an obligation for the determined quantity with respect to the determined bidder and the determining means as recited in independent claim 26.

The prior art taken alone or in combination failed to teach or suggest means for assigning the determined quantity of objects to the determined bidder in the current round, the assigning creating an obligation for the determined quantity with respect to the determined bidder and means for limiting each bid by a bidder based on a preceding bid by the bidder as recited in independent claim 28.

The prior art taken alone or in combination failed to teach or suggest means for assigning the determined quantity of objects to the determined bidder in the current round, the assigning creating an obligation for the determined quantity with respect to the determined bidder and means for generating updated bidding information and initiating at least one or more round of bidding if any objects remain unassigned as recited in independent claim 29.

The prior art taken alone or in combination failed to teach or suggest means for assigning the determined quantity of objects to the determined bidder in the current round, the assigning creating an obligation for the determined quantity with respect to the determined bidder and means for generating updated bidding information, the means including means for receiving an updated current price specified by an auctioneer, and initiating at least one more round of bidding if any objects remain unassigned as recited in independent claim 30.

The prior art taken alone or in combination failed to teach or suggest means for assigning the determined quantity of objects to the determined bidder at a price for the round, the assigning creating an obligation for the determined quantity with respect to the determined bidder and the determining means are recited in independent claim 43.

The prior art taken alone or in combination failed to teach or suggest means for assigning the determined quantity of objects to the determined bidder at the price for the round, the assigning indicating a winning bidder and means for generating updated bidding information and initiating at least one more round of bidding if any objects remain unassigned and means for limiting the number of object on which a bidder may bid to be nor larger than a number of objects on which the bidder was allowed to bid in a preceding round as recited in independent claim 44.

The prior art taken alone or in combination failed to teach or suggest means for assigning the determined quantity of objects to the determined bidder at the price for the round, the assigning creating an obligation for the determined quantity with respect to the determined bidder and means for generating updated bidding information and initiating at least one more round of bidding if any objects remain unassigned as recited in independent claim 45.

The prior art taken alone or in combination failed to teach or suggest means for assigning the determined quantity of objects to the determined bidder at the price for the round, the assigning indicating a winning bidder and means for generating updated bidding information and initiating at least one more round of bidding if any objects remain unassigned as recited in independent claim 46.

The prior art taken alone or in combination failed to teach or suggest determining separately, for each of a plurality of bidders, a quantity of the objects, if any, to be assigned in the current round, and in the event of such a determined quantity, assigning the determined quantity to the determined bidder, the assigning creating an obligation for the determined quantity with respect to the determined bidder and generating updated bidding information and initiating at least one more round of bidding if any objects remain unassigned as recited in independent claims 47 and 51.

The prior art taken alone or in combination failed to teach or suggest determining separately, for each of a plurality of bidders, a quantity of the objects, if any, to be assigned in the current round, and in the event of such a determined quantity, assigning the determined quantity to the determined bidder, the assigning creating an obligation for the determined

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quantity with respect to the determined bidder and generating updated bidding information at bidding information processor as recited in independent claim 58.

The prior art taken alone or in combination failed to teach or suggest determining separately, for each of a plurality of bidders, a quantity of the objects, if any, to be assigned in the current round, and in the event of such a determined quantity, assigning the determined quantity to the determined bidder, the assigning indicating a winning bidder and generating updated bidding information at the bidding information processor as recited in independent claim 59.

The prior art taken alone or in combination failed to teach or suggest determining separately, for each of a plurality of bidders, a quantity of the objects, if any, to be assigned in the current round, and in the event of such a determined quantity, assigning the determined quantity to the determined bidder, the assigning creating an obligation for the determined quantity with respect to the determined bidder and generating updated bidding information at the bidding information as recited in independent claim 60.

The prior art taken alone or in combination failed to teach or suggest determining separately, for each of a plurality of bidders, a quantity of the objects, if any, to be assigned in the current round, and in the event of such a determined quantity, assigning the determined quantity to the determined bidder, the assigning indicating a winning bidder and generating updated bidding information at the bidding information processor as recited in independent claim 61.

The prior art taken alone or in combination failed to teach or suggest determining for each of a plurality of bidders, a quantity of the items, if any, to be assigned at a current time, and in the

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event of such a determined quantity, assigning the determined quantity to the determined bidder, the assigning creating an obligation for the determined quantity with respect to the determined bidder and generating updated information regarding the bidding process as recited in independent claim 113.

The prior art taken alone or in combination failed to teach or suggest determining, for each of a plurality of bidders, a quantity of the items, if any, to be assigned at a current time, and in the event of such a determined quantity, assigning the determined quantity to the determined bidder, the assigning creating an obligation for the determined quantity with respect to the determined bidder, the determining functions and generating updated information regarding the bidding process as recited in independent claim 114.

The prior art taken alone or in combination failed to teach or suggest determining, for each of a plurality of bidders, a quantity of the items, if any, to be assigned at a current time, and in the event of such a determined quantity, assigning the determined quantity to the determined bidder, the assigning creating an obligation for the determined quantity with respect to the determined bidder and the determining functions as recited in independent claim 115.

The prior art taken alone or in combination failed to teach or suggest determining, for each of a plurality of bidders, objects or a quantity of objects, if any, to be assigned to the bidder at a current time, and in the event of such determined objects or quantity of objects, assigning the determined objects or quantity of objects to the determined bidder, the assigning a winning bidder and the determining functions as recited in independent claim 127.

The prior art taken alone or in combination failed to teach or suggest determining means for determining, for each of a plurality of bidders, a quantity of the items, if any, to be assigned

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at a current time, and in the event of such a determined quantity, assigning the determined quantity to the determined bidder, the assigning creating an obligation for the determined quantity with respect to the determined bidder and the determining means as recited in independent claims 139, 140 and 141.

The prior art taken alone or in combination failed to teach or suggest determining means for determining, for each of a plurality of bidders, objects or a quantity of objects, if any, to be assigned to the bidder at a current time, and in the event of such determined objects or quantity of objects or quantity of objects, assigning the determined objects or quantity or quantity of objects to the determined bidder, the assigning indicating a winning bidder and the determining means as recited in independent claim 153.

The prior art taken alone or in combination failed to teach or suggest constraining bids so that the quantity contained in a bid at the current time is no greater than the quantity contained in an earlier bid; and determining whether the auction should end or continue, based on a comparison of the summed quantity of items at the current time and an available quantity of items as recited in independent claim 160.

The prior art taken alone or in combination failed to teach or suggest constraining bids so that the quantity that a bidder wishes to transact at the current price can be no greater than the quantity that the bidder wished to transact at an immediately preceding price and determining whether an auction should end or continue, based on a comparison of quantities that bidders wish to transact at the current price and an available quantity of items as recited in independent claim 163.

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The prior art taken alone or in combination constraining means for constraining bids so that the quantity contained in a bid at a current time can be no greater than the quantity contained in an earlier bid and determining means for determining whether the auction should end or continue, based on a comparison of the summed quantity of items that bidders wish to transact at the current time and an available quantity of items as recited in independent claim 167.

The prior art taken alone or in combination failed to teach or suggest constraining means for constraining bids so that the quantity that the bidder wishes to transact at the current price can be no greater than the quantity that the bidder wished to transact at an immediately preceding price and determining means for determining whether the auction should end or continue, based on a comparison of a sum of quantities that bidders wish to transact at the current price and an available quantity of items as recited in independent claim 170.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frantzy Poinvil whose telephone number is (571) 272-6797. The examiner can normally be reached on Monday-Thursday from 7:00AM to 5:30PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Kramer can be reached on (571) 272-6783. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Frantzy Poinvil
Primary Examiner
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FP
July 11, 2007